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April 17, 2008

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VIA ELECTRONIC MAIL

Re Cobb-Vantress Rule 30(b)(6) deposition notice of April 14, 2008 issued in
State of Oklahoma et al v Tyson Foods, Inc et al, N D OKL Case No
05-CV-00329-GKF-SAJ

Dear Michael

I am writing in response to your letter of April 14, 2008 to David Riggs transmitting a new Rule 30(b)(6) deposition notice on behalf of your client Cobb-Vantress, Inc. Attachment A to that notice proposed five separate areas of inquiry, each with multiple subparts. You indicate that counsel for each of the Defendants will participate in the examination taken under this notice. Additionally, you indicate that counsel for the various Defendants will share responsibility for primary examination of the areas of inquiry set forth in Attachment A.

Initially, we need to clear up whether or not this is a consolidated request on behalf of all the Defendants. As you will recall, after proceedings on a motion to compel and motion for protective order, we went through a process late last year in which the Defendants submitted a consolidated list of topics for 30(b)(6) depositions. The actual depositions were postponed as a result of proceedings on the State's motion for preliminary injunction. Is your notice a continuation of that consolidated approach? Does it replace the earlier consolidated list of topics of the Defendants? While you indicate that counsel for various Defendants will share responsibility, you also indicate that the notice is issued by Cobb-Vantress. The State is happy to proceed on the basis of a consolidated notice, subject to and without waiving any other objection it may have to the notice. However, unless all of the Defendants agree that this is the only 30(b)(6) notice for any of the topics on your Attachment A, we will have to return to the Court for protection. Please advise if this notice is issued on behalf of all Defendants and will be the only such notice for the topics on Attachment A. Also, please advise if the Defendants, whether singly or together, will issue any additional 30(b)(6) deposition notices.



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Further, I wanted to let you know that work on the State's expert reports precludes us being able to provide deposition witnesses on April 24. We will begin scheduling witnesses as soon as possible after May 15, and will call you in advance to coordinate dates. This commitment is made subject to and without waiving any objections the State may have to the contents of your notice of April 14, 2008.

Thank you for your consideration

Sincerely yours,

A handwritten signature in black ink that reads "Robert A. Nance". The signature is written in a cursive, flowing style.

Robert A. Nance
For the Firm

Cc Counsel of record